

RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

Held on Thursday, September 22, 2022

CALL TO ORDER: Mayor Williams called the Riverside, Ohio City Council Work Session to order at 6:01 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

PLEDGE OF ALLEGIANCE: Mayor Williams led the pledge of allegiance.

ROLL CALL: Council attendance was as follows: Mr. Denning, present; Mrs. Franklin, present; Ms. Fry, present; Mr. Joseph, present; Ms. Lommatzsch, present; Mr. Maxfield, present; and Mayor Williams, present.

Staff present was as follows: Josh Rauch, City Manager; and Kathy Bartlett, Public Service Director.

EXCUSE ABSENT MEMBERS: No members were absent.

ADDITIONS OR CORRECTIONS TO AGENDA: No changes were made.

APPROVAL OF AGENDA: Deputy Mayor Denning moved, seconded by Mr. Joseph, to approve the agenda as presented. All were favor. **Motion carried.**

WORK SESSION ITEMS:

I. Storm Water Utility – Mr. Rauch stated that this is not a time limited discussion should they need to take more time and discuss the storm water utility. He reviewed the completed items on the project. They had reviewed previous data collected from Choice One and analyzed the information. They requested from MVRPC a more detailed breakout of all the parcels and started to merge the information with what Choice One had provided. This data will be used to build a master map of impervious surfaces in the community as a reference point to not only get a fee implemented, but to maintain and manage that as a database going forward. They have conducted an initial review of the parcels. The idea is for a utility fee to be as equitable as possible, meaning they charge every parcel that could exist in the city that qualifies to pay the fee. They have found there are parcels that are subdivided, and some ownership information is not attached to some parcels. There were about 500 records where they saw some information needed to be worked out, and they have cleaned that up as of last week. This will make sure they avoid double billing. Additionally, they have created a draft ordinance that has had legal review, which he has shared with council. He wants to get feedback from council on the charging methodology.

Residential Assessment Methodology – Mr. Rauch stated that there is no one right way to assess residential parcels for a storm water utility fee. There are a variety of ways to calculate and implement fees. It is about council's discussion and comfort level to an overarching policy on how to approach this. The way the ordinance is currently written is to take the average square footage of impervious area for all of the residential parcels, average that to where it becomes one equivalent residential unit, and that number becomes the basis for calculating what non-residential parcels will pay. For instance, if a house is 2,000 sq. ft. and there is a commercial property that is 10,000 sq. ft. The commercial property is paying five

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houses worth. A rate is set based on the one house, then all other rates are calculated based on that house. He provided a small breakout of this. If they are to adopt that methodology, there are about 8,670 residential parcels; the average impervious area for them is 1,874 sq. ft. Based on the ordinance in its current draft, one ERU would be equal to 1,874 sq. ft. For those parcels that are not an R-1, R-2, or R-3; they would then take the total impervious area of that parcel and divide it by 1,874 and apply the residential rate. This rate is simple and straightforward; administratively, it is one of the easiest systems to maintain. He stated that other communities set different rates for R-1, R-2, R-3. In Riverside, an R-1 has about 2,992 sq. ft., an R-2 has about 2,552 sq. ft., and an R-3 has about 1,701 sq. ft. Depending on if they want to set rates on those zoning classifications, that could impact the bills that residents would pay. He asked if they wanted to charge all single family houses the same rate or do they want to differentiate by zone or some other criteria. He is requesting council's consensus if they want to go with this methodology or if they need to change it and he needs to revisit for another type of calculation.

Mrs. Franklin confirmed that every residential lot would be charged for 1,874 sq. ft. Mr. Rauch stated that was correct. He recalled from an earlier discussion that Choice One had a cost around \$10/month per ERU so that every resident would pay \$10 - \$11/month regardless if they were R-1, R-2, or R-3. He asked if council wants to adjust rates based on zoning. He wants them to be comfortable with the overall approach.

Mayor Williams asked what peer communities were doing and if there was a baseline. Mr. Rauch stated it is mixed. Dayton has its own unique methodology. He brought an ordinance that is similar to Huber Heights and Trotwood.

Ms. Fry stated she didn't get a chance to dig into it when Choice One was there, but she feels strongly that if they do an average, they are asking R-3 residents to subsidize R-1. She stated if they went with option one that is presented, in her opinion they are asking less economically advantaged residents to subsidize the more economically advantaged residents. If it is not a big economic difference administratively, she would prefer to go with option two. Mr. Joseph agreed. He stated an R-1 is almost half of the average, but they are contributing double almost what an R-3 lot contribute via their impact on the storm water, but there is only a 100 sq. ft. difference between an R-3 and the average. He stated it is unequitable in this graph. If the administrative burden isn't so overwhelming, then he would rather them go with the three zoning sectors as that would be the most equitable in his opinion.

Mayor Williams asked the city manager what he sees from an administrative standpoint. Mayor Williams stated he likes the zoning approach. He asked how much cost they would add to go with option two to go by three residential zones, so they aren't asking the R-3 to subsidize the larger estates. Mr. Rauch stated it was not so much work to run the calculations, but what they should think about with option two is if the zoning code changes, then that creates more work and will have direct implications for the storm water ordinance. If they, for instance, add two more residential classifications, that would require more work to go back through all the numbers to update calculations to reflect the new zoning code. He added

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that zoning codes don't change that often, so it is about as impactful as any other ordinance change. There are implications beyond setting the rate.

Mr. Joseph asked what it would look like if they did a real average based upon an average impervious unit based on 1,874 sq. ft. at \$10/month. For instance, if his property was only 1,500 sq. ft., then he would be charged like \$8.75/month. Would they be able to get a real cost? Mr. Rauch replied that would be significant administrative work. Mrs. Franklin mentioned that a lot of larger lots don't have structures that cover the entire lot. So, they may seem like a large lot, but they aren't creating more of a hardship to the storm water runoff; it is because they have more space where it is absorbed into the ground. She stated they all pay the same price for their trash regardless of whether or not they have one trash can or two trash cans at the curb. It would be nice to know if they charged an R-1 for what they had, how much more would it be than the \$11/month. Mr. Maxfield asked if they charge for each zone, will that increase the price of what people will be charged because they won't have an average charge rate; won't that adjust what each person will be charged. So, instead of \$11 for everybody, it could be \$15 for R-1, and \$7 for R-3. Mr. Rauch stated it could impact it. Mr. Maxfield stated the bottom dollar amount might go up than the average. Mr. Rauch stated he understands what he is saying and added that is accurate if what they are doing is charging .05/sq. ft. for impervious area. He stated it is within council's power to set the R-1, R-2, and R-3, rates to be whatever they see as reasonable as there are rational basis. They are able to set a rate and then just have a few dollars difference between zones. The question then becomes how they will charge the commercial or non-residential areas.

Deputy Mayor Denning presented a hybrid version. He stated if they go with the 1,874 sq. ft. for an ERU, then an R-3 would be charged .90 percent of that. An R-1 would pay 1.59 percent of an ERU. They can then still use the ERU average for commercial properties. He didn't work out the R-2 charge but stated it would be around 1.45 percent. This saves them from coming up with a cost per sq. ft. for commercial and non-residential and it keeps them charging people appropriately. He stated that he also agrees with April that larger lots do have a lot more water going into the ground and not going into the city. Mayor Williams stated they are just talking about impervious surface.

Ms. Fry stated that she does not believe they have the technical expertise to say which is more cost advantageous because an R-3 is denser, and they are building a less expansive network.

Ms. Lommatzsch asked if they looked at any of the study they paid for with Choice One and all of their numbers. Mr. Rauch stated that was the basis for the request to MVRPC to get to the root of how it was all laid out. Ms. Lommatzsch stated they had it all broken down. Mr. Rauch stated there were some gaps in the data, which is what they tried to fill in with some of the MVRPC information.

Mr. Joseph asked Ms. Bartlett to April and Mike's point is the fact that they have a larger grass and dirt area, is their impact to the storm water less. Ms. Bartlett replied yes. Mr. Rauch stated they are in the weeds a bit and what they are now talking about are the kind of the things that inform how everyone across the country does a storm water utility fee. It is easy

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to want to go and look at individual properties and their impact, but in a utility fee the idea is to get to a level and consistent, rational basis for how all parcels get charged. That is why in the ordinance there is an appeal process and a review process. If an individual believes they should have additional review or are different enough from the average, there is a process to get their fee adjusted. Regardless of who they are, everyone benefits directly or indirectly from effective storm water management as they all want good roads to drive on. The general approach is to come up with a consistent methodology, give people an appeals process, and that meets what is needed to get the fee done.

Ms. Fry stated she is comfortable with option two and the hybrid option suggested by Deputy Mayor Denning. She stated she would be uncomfortable with option one. Mayor Williams stated his concern with the hybrid option is that it is a pretty big range. It is a 50 percent difference per month and over the course of year. That is a decent percentage range. He recalled at one point of the conversation they did not want to have a big variance. Ms. Fry stated it wasn't variance; they wanted it to be reflective of the numbers that were in the chart. Mayor Williams stated that if they want it to be reflective of the average impervious surface, then that is right. He pointed out that it is a big range difference to sell in his mind. A 50 percent range is not an insignificant amount. It is a big range on the hybrid plan; the math is spot on. Ms. Fry stated she thought the hybrid plan is a way of implementing option two. Mayor Williams stated that it is, but there was another option in discussion in putting out a smaller range difference in the per month charge. Ms. Fry stated that gets away from the point of going with option two because if R-1 has almost twice as much impervious surface and they are trying to shrink the differential then it is closer to option one and defeats the purpose of option two. Deputy Mayor Denning stated that R-1s and R-2s when paying property taxes are probably paying more than 50 percent more than R-3s depending on the value of the home. Mayor Williams stated that his point is that it is not a small amount.

Mr. Rauch asked if council wanted some type of adjustment factor that addresses the differences in zoning that gets them to a place where the spread between fees isn't huge, but there is some difference. If they are willing to entertain that, he can bring them some additional information. Mayor Williams stated that he agrees with Ms. Fry that there needs to be a difference because R-3 should not be subsidizing R-1. Mrs. Franklin stated they can set the amount for whatever they want like \$15, \$13, and \$11. They can pick three fees and if they add another zoning district then can set that. Mr. Joseph commented that the amount of home a person can afford should be three times your household income. There should be income to overcome that additional cost; bigger properties come with more fees, more maintenance, more heating and air costs. Storm water is no different. Mrs. Franklin disagreed. She stated a person can build a home in an R-3 zone now that is way more expensive than Deputy Mayor Denning's property and two acres left and they pay way more in taxes and everything else. She keeps coming back to that and that is where she has a problem. Just because an R-1 has more sq. ft., she doesn't understand for why they are charging this why that property is charged more than anyone else. Ms. Fry asked her why is the fact that they have significantly more impervious surface not relevant. Mrs. Franklin stated it had to do with her earlier comment with just because they have more land doesn't mean they create....Mayor Williams stated it doesn't have to do with land, this is how much of the land is covered with a house or a driveway. Mr. Joseph stated based on the grid they

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are looking at the average R-1 has almost double the impervious surface of an R-3. Discussion was had on the size of the lot and the size of the home. Ms. Fry stated the numbers they have tell them a story. Mrs. Franklin stated she comes back to the garbage example (of all paying the same amount) and that she doesn't know if an R-1 creates any more or less storm water runoff than an R-3. She doesn't feel like the R-3 is picking up like a responsibility that an R-1 is creating more of something.

Mr. Joseph stated it they just set a fee, then anybody in the city can come in and get two storm water barrels and adjust the fee by filling out a form. They can't eliminate it, but they can reduce it. Discussion continued on how a person could reduce their fee.

Mr. Rauch stated they are likely to make some staff additions to help with the billing and collections along with the administration. This would be paid for with the proceeds of the fee. He stated that he thinks he got what he needs from council. There is the easiest and simplest way to do it, and he has also heard them requesting if there is a way to provide some differentiation in fee based on impervious size but in a way not to create a giant distinction or difference between the residential parcels. He can come back to them with his research and the impact of that.

Ms. Lommatzsch stated this is a council decision and does not go to the voters. She stated he will get a lot of education necessary either way he goes. She agrees with Mrs. Franklin on a flat fee as being the easiest way to go. It will be monumental if they go house by house. Mayor Williams stated he does not think anybody is recommending house by house. Ms. Lommatzsch stated a flat amount makes the bookkeeping issue easy.

Mr. Rauch stated if there is anything else in the ordinance, they would like to review they can or they can save it until the next work session after he does his research. Mayor Williams stated they need to move forward and the quicker they can do this the better. Mr. Rauch stated he will revisit the numbers and get it to them by next month. He will give them an update along side the budget conversation they will have in October. Deputy Mayor Denning asked if other municipalities charge like Five Rivers Metro for their bike paths. Mr. Rauch stated that is all over place. Deputy Mayor Denning asked if they paid it. Mr. Rauch replied that depends. Deputy Mayor Denning stated the bike paths add to the impervious surface and they add water to Lilly Creek, which is one of the largest problems in the city. They have funding to pay that. Mrs. Franklin stated that a lot of bike paths are along train tracks and that belongs to the county. Deputy Mayor Denning stated it was just a question. Mrs. Franklin stated the state should be paying that, in her opinion.

CITY MANAGER UPDATES: Mr. Rauch stated that the issue with the light poles on Springfield Street continues to evolve; he will have more information in the near future. Conversations are continuing with them over there; he is optimistic they will get to a place to move forward. Deputy Mayor Denning stated they have started the tower. Mrs. Franklin stated an AT&T tower went up on Woodman, too. Mr. Rauch stated there is a lot of fiber expansion with AT&T and Spectrum.

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Mr. Rauch reminded everyone that the boards from the last open house are available at city hall and will be up for the next two weeks. The process is also available online for people to participate.

COUNCIL MEMBER COMMENTS: Mr. Maxfield stated that this week is Stebbins homecoming and wished them good luck tonight at their game. The game had to be moved to Vandalia Butler, but it will be a good game. He asked everybody going to the dance to be safe and make good decisions. Mayor Williams also wished Stebbins good luck. He stated there is a Walk-a-thon tomorrow morning on Burkhardt for St. Helen's school. He hopes the kids stay safe walking to Shellabarger and back. He hopes everyone enjoys the beautiful fall weather. The next meeting will be the special retreat on October 1, 2022, followed by the regular council meeting on October 6, 2022. Deputy Mayor Denning stated the road outside city hall is a mess and there will be a hard time with traffic as the haunted house opens this weekend. They will see how things go. Mayor Williams stated that there is a lot of construction everywhere. Deputy Mayor Denning stated it will all look really nice once it is done.

ADJOURNMENT: Mr. Maxfield moved, seconded by Deputy Mayor Denning, to adjourn. All were in favor. The meeting adjourned at 6:42 pm.



Peter J. Williams, Mayor



Clerk of Council